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**MEMO ENDORSED**

May 5, 2021

VIA ECF and EMAIL: CaproniNYSDCChambers@nysd.uscourts.gov

Honorable Valerie E. Caproni  
United States District Court –  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square, Courtroom 443  
New York, New York 10007

**Re:** Municipal Credit Union and National Credit Union Administration Board  
v.  
CUMIS Insurance Society, Inc.  
Case No.: 1:21-CV-02404-VEC

Dear Judge Caproni:

Our office along with co-counsel, Collins & Collins, LLC, represent Plaintiffs Municipal Credit Union (“MCU”) and the National Credit Union Administration Board (“NCUAB”) in this matter (collectively “Plaintiffs”). With the consent of Joseph Nealon, counsel for Defendant, CUMIS Insurance Society, Inc. (“Defendant”), we write this letter to jointly request a sixty (60) day extension of time to submit the Parties’ jointly proposed Case Management Plan and the accompanying joint letter, which, pursuant to this Court’s Notice of Initial Pretrial Conference [Dkt. No. 48], are both due to be filed via ECF on May 6, 2021. The Parties also jointly request an adjournment of the Rule 16 Initial Pretrial Conference (“IPTC”) which is scheduled to be held by teleconference on May 14, 2021 at 11:00 a.m. E.S.T. pursuant to the Notice of Initial Pretrial Conference [Id].

Per Section 2(C) of this Honorable Court’s Individual Practices in Civil Cases, the Parties jointly state as follows:

- 1) The reason for the proposed extension and adjournment is to allow the Parties to meet in-person in a joint effort to mediate and settle this matter prior submitting their proposed Case Management Plan and prior to participating in an IPTC. The Parties are planning to participate in a settlement meeting with their respective principals within the next four (4) weeks. If a settlement cannot be reached, the proposed extension and adjournment would also allow Plaintiffs to file a Motion for Leave to Amend Complaint to reduce the claims damages sought in Plaintiffs’ initial Complaint, which was originally filed in Dane County Circuit Court for the State of

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Wisconsin on April 21, 2020. Defendant will not oppose Plaintiffs' Motion for Leave to Amend Complaint as we intend to decrease the claims damages asserted against Defendant in this action, and because an Amended Complaint will streamline the issues that are in controversy as the pleadings upon which this action will proceed have not yet been resolved. The Parties believe that this too supports the basis for the requested extension and adjournment as it will be beneficial to both sides. Neither our office nor the office of Collins & Collins, LLC was involved in Plaintiffs' initial Complaint. We entered our appearance in this case on April 30, 2021, and Collins & Collins, LLC entered their appearance on April 29, 2021.

- 2) The original due date of the jointly proposed Case Management Plan and accompanying joint letter is May 6, 2021. The original date of the IPTC scheduled to be held by teleconference is May 14, 2021 at 11:00 a.m. E.S.T.
- 3) There have been no previous requests for extension or adjournment in this case.
- 4) Defendant and its counsel Joseph Nealon consent to the extension and adjournment requested in this letter.
- 5) Proposed Alternative Dates:
  - a. *Jointly proposed Case Management Plan and accompanying joint letter:*  
  
Monday, July 5, 2021.
  - b. *Initial Pretrial Conference (via teleconference):*  
  
Friday, July 9, 2021

For the foregoing reasons, and in order to accomplish our goal as outlined above, counsel for the parties jointly request a sixty (60) day extension of time concerning the jointly proposed Case Management Plan/accompany joint letter and an adjournment of the Initial Pretrial Conference. Parties consent to participate in an IPTC by teleconference.

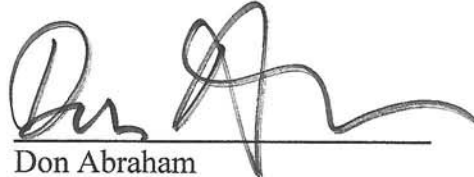
We thank the Court for its consideration of this joint request and look forward to further instruction from the Court.

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Respectfully submitted,

**BRONSTER LLP**

  
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Cc: Joseph Nealon, Esq. (via ECF and [jnealon@eckertseamans.com](mailto:jnealon@eckertseamans.com))  
Patrick Collins, Esq. (via ECF and [pcollins@lawcc.us](mailto:pcollins@lawcc.us))  
Patrice Collins, Esq. (via ECF and [patricec@lawcc.us](mailto:patricec@lawcc.us))  
Gerald Rafferty, Esq. (via ECF and [grafferty@lawcc.us](mailto:grafferty@lawcc.us))

Application GRANTED. The May 14, 2021 IPTC is ADJOURNED to **July 9, 2021, at 10:00 a.m.** Not later than **July 1, 2021**, the parties must either file a notice of settlement or file their joint letter and proposed Case Management Plan in advance of the July 9 IPTC. To the extent the parties fail to settle this matter, Plaintiffs' amended complaint is also due not later than **July 1, 2021**. In addition to a clean copy of its amended complaint, Plaintiffs must file a redlined version of the amended complaint comparing the revisions made to the original complaint. The parties are warned to heed this Court's Individual Practices, which require that requests for extensions or adjournments be filed at least 48 hours in advance of the original deadline.

SO ORDERED.

  
5/5/2021

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE